

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference

see form PCT/ISA/220

#### FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/GB2004/001140

International filing date (day/month/year)

18.03.2004

Priority date (day/month/year)

18.03.2003

International Patent Classification (IPC) or both national classification and IPC

A24C5/34

Applicant

MOLINS PLC

#### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

**10/549709**  
International application No.  
PCT/GB2004/001140

**JC20 Rec'd PCT/PTO 1 6 SEP 2005**

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2004/001140

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	8-18,21
	No: Claims	1-7,19,20,22-25
Inventive step (IS)	Yes: Claims	
	No: Claims	8-18,21
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB04/01140

**Re Item V**

**JG20 Rec'd PCT/PTO 1 6 SEP 2005**

**Reasoned statement with regard to novelty, inventive step or industrial  
applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: EP-A-0 880 020 (JAPAN TOBACCO INC) 25 November 1998 (1998-11-25)

D2: EP-A-0 581 596 (JAPAN TOBACCO INC) 2 February 1994 (1994-02-02)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 22 is not new in the sense of Article 33(2) PCT.  
The document **D1** discloses (the references in parentheses applying to this document): an ignition system for a smoking machine, comprising a heat source (44) that is adapted for emitting heat for igniting one end of a smoking article which is held by a smoking machine; an automatic sensor (55, 56) adapted for detecting the position of said end of said smoking article, and control means in communication with said sensor, which are adapted for automatically adjusting the operation of said heat source and/or automatically adjusting relative movement of said heat source and of said article, depending on the position of said end as detected by said sensor, such as to enable successful ignition of said end by said heat source (see col. 11, l. 57 - col 12, l. 36). It must be concluded that all the features in the wording of claim 1 are known from document D1. Consequently, the novelty requirements of article 33(2) PCT are not met.
3. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 22, which therefore is also considered not new.
4. The attention of the applicant is drawn to the fact that the features of claims 1 and 22 are also disclosed in document D2 (see corresponding passage cited in the search report). Thus the subject matter of said claims cannot be considered novel against said document.
5. Dependent claims 1-21 and 23-25 do not contain any features which, in combination

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

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International application No.

PCT/GB04/01140

with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.